

MESSAGE NO: 5194205 MESSAGE DATE: 07/13/2005

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-501

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 02/01/2003 TO 07/31/2003

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTIONS FOR NEW SHIPPER REVIEW OF NATURAL BRISTLE
PAINTBRUSHES AND BRUSH HEADS FROM CHINA MFD AND/OR EXP BY SHANGHAI R&R
(A-570-501-005)

MESSAGE NO: 5194205

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REFERENCE:

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CASES: A - 570 - 501

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PERIOD COVERED: 02 01 2003 TO 07 31 2003

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR NEW SHIPPER REVIEW OF
NATURAL BRISTLE PAINTBRUSHES AND BRUSH HEADS FROM CHINA
MFD AND/OR EXP BY SHANGHAI R&R (A-570-501-005)

1. ON MAY 20, 2005, THE U.S. COURT OF INTERNATIONAL TRADE (CIT)
ISSUED A STIPULATION OF DISMISSAL IN SHANGHAI R&R IMPORT/EXPORT
CO. LTD. V. UNITED STATES (COURT NO. 04-00569) DISMISSING THE
LEGAL ACTION IN THE FEBRUARY 1, 2003 THROUGH JULY 31, 2003, NEW
SHIPPER REVIEW OF NATURAL BRISTLE PAINTBRUSHES AND BRUSH HEADS
FROM THE PEOPLE'S REPUBLIC OF CHINA (PRC) (SEE 69 FR 63361, DATED
NOVEMBER 1, 2004)(FINAL RESCISSION). ON DECEMBER 14, 2004, THE
CIT ISSUED A PRELIMINARY INJUNCTION ENJOINING COMMERCE FROM

LIQUIDATING ENTRIES ENTERED OR WITHDRAWN FROM WAREHOUSE THAT WERE MANUFACTURED AND/OR EXPORTED BY SHANGHAI R&R IMPORT/EXPORT CO. LTD. (SHANGHAI R&R) BETWEEN FEBRUARY 1, 2003 THROUGH JULY 31, 2003. SEE MESSAGE NUMBER 4352204, DATED DECEMBER 17, 2004. IN ACCORDANCE WITH THE CIT'S MAY 20, 2005 DISMISSAL, THE PRELIMINARY INJUNCTION IS DISSOLVED.

2. IN ACCORDANCE WITH THE FINAL RESCISSION, YOU ARE NOW INSTRUCTED TO LIQUIDATE ALL SHIPMENTS OF NATURAL BRISTLE PAINTBRUSHES AND BRUSH HEADS FROM THE PEOPLE'S REPUBLIC OF CHINA MANUFACTURED AND/OR EXPORTED BY THE MANUFACTURER/EXPORTER LISTED

BELOW, AND ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION

DURING THE PERIOD FEBRUARY 1, 2003 THROUGH JULY 31, 2003. THE FOLLOWING RATE IS APPLICABLE IF THIS MERCHANDISE WAS MANUFACTURED AND/OR EXPORTED BY SHANGHAI R&R IMPORT/EXPORT CO., LTD.:

ID NUMBER	COMPANY NAME	RATE (AD VALOREM)
A-570-501-005	MANUFACTURER/EXPORTER: SHANGHAI R&R IMPORT/EXPORT CO., LTD.	351.92%

3. THE ASSESSMENT OF ANTIDUMPING DUTIES BY U.S. CUSTOMS AND BORDER PROTECTION (CBP) ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930, AS AMENDED (THE ACT). SECTION 778 OF THE ACT REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS AND ASSESS INTEREST ON UNDERPAYMENTS OF

THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

4. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT'S REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT RESPOND TO YOUR FORMAL REQUEST FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CUSTOMS SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

5. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY O6:DK).

6. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party